

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK W. DOBRONKSI,

Plaintiff,

-vs-

Case No. 19-cv-13094

Hon. Marianne O. Battani

Magistrate Judge Elizabeth A. Stafford

SUNPATH LTD., ET AL.

Defendant.

DECLARATION OF ANDREW GARCIA
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

Pursuant to 28 U.S.C. § 1746, I, ANDREW GARCIA, under penalty of perjury, declare as follows:

1. My name is Andrew Garcia. I am over 21 years of age and am competent to give testimony. I make the statements in this declaration based on my personal knowledge, including knowledge gained in my position as President of SunPath Ltd. ("SunPath").
2. I reside in Massachusetts and have never lived in Michigan. I have never owned or leased property in Michigan. I have never even visited Michigan.
3. SunPath is a Delaware corporation and maintains its only principal place of business in Braintree, Massachusetts.
4. SunPath does not own or lease any real estates in the state of Michigan.
5. There are no office locations in Michigan where SunPath has ever conducted business operations of any kind.

6. SunPath does not engage in outbound telemarketing itself and therefore does not initiate outbound sales calls to consumers. SunPath's records show that it did not initiate any of the calls to the Plaintiff alleged in this Complaint in this case (the " Subject Calls").

7. Moreover, SunPath did not direct, oversee, or manage any third party in initiating the Subject Calls, or any other outbound telemarketing phone calls to consumers in Michigan.

8. Furthermore, I did not have any role in the making of the Subject Calls, did not direct anyone to make the Subject Calls, did not cause SunPath or any agent to make the Subject Calls, and did not have knowledge that the Subject Calls were made.

9. SunPath is a third party administrator of extended service contracts for automobiles. It is engaged primarily in the business of handling claims by customers and customer service for existing customers.

10. The extended vehicle warranty product that SunPath administers is not even SunPath's product. It is owned by a third party.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 28 day of October, 2019.



ANDREW GARCIA